

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**TYKIESHA WARD and JARVIS )  
STEWART, Each Individually and on )  
Behalf of All Others Similarly )  
Situating,** )

**Plaintiffs,** )

**v.** )

**PIVOTAL RETAIL GROUP, LLC,** )

**Defendant.** )

---

**CIVIL ACTION NO.**

**1:22-cv-03182-MHC**

**JOINT MOTION TO EXTEND TIME  
TO MOVE FOR SETTLEMENT APPROVAL**

COME NOW Plaintiffs Tykiesha Ward and Jarvis Stewart (hereinafter “Plaintiffs”) and Defendant Pivotal Retail Group, LLC (hereinafter “Defendant”) (collectively the “Parties”), and hereby jointly move to extend the time to file the Motion for Settlement Approval and any related documents to and through April 30, 2024.

On March 4, 2024, the Parties filed their Joint Notice of Settlement and Motion for Time to Move for Settlement Approval. (Doc. 40.) On March 7, 2024, the Court granted the Motion and set a deadline of Monday, April 8, 2024 for the Parties to file the Motion for Settlement Approval. (Doc. 41.) Both the Motion for Settlement Approval and Settlement Agreement have been drafted and the Parties are currently in

the process of revising the Motion and Agreement. However, the Parties require additional time to file them with the Court.

Therefore, the Parties are requesting an extension to and through April 30, 2024 to file the Motion for Settlement Approval and related documents with the Court. The Parties respectfully submit that this extension is not for the purpose of undue delay and will not prejudice any party. Instead, the Parties seek the extension to finalize the drafts of the Settlement Agreement and Motion for Settlement Approval. A proposed Order is attached for the Court's convenience.

Respectfully submitted this 4th day of April, 2024.

/s/ Kenneth G. Menendez

Kenneth G. Menendez  
Georgia Bar No. 502045  
Andrew J. Kim  
Georgia Bar No. 488753  
FREEMAN MATHIS & GARY, LLP  
100 Galleria Parkway  
Suite 1600  
Atlanta, GA 30339  
T: (770) 818-000  
kmenendez@fmglaw.com  
akim@fmglaw.com

*Attorneys for Defendant*

/s/ Colby Qualls

Colby Qualls  
Ark. Bar No. 2019246 (PHV)  
Forester Haynie, PLLC  
400 N Saint Paul, St, Suite 700  
Dallas, Texas 75231  
T: (214) 210-2100  
cqualls@foresterhaynie.com

Matthew W. Herrington, Esq.  
DeLong, Caldwell, Bridgers,  
Fitzpatrick & Benjamin  
101 Marietta Street, Suite 2650  
Atlanta, Georgia 30303  
T: (404) 979-3150  
Matthew.herrington@dcbflegal.com

*Attorneys for Plaintiffs*

**CERTIFICATE OF COMPLIANCE**

I certify that the within and foregoing **JOINT MOTION TO EXTEND TIME TO MOVE FOR SETTLEMENT APPROVAL** has been prepared in compliance with Local Rule 5.1(B) in 14-point Times New Roman type face.

This 4th day of April, 2024.

*s/ Andrew J. Kim* \_\_\_\_\_

Andrew J. Kim

Georgia Bar No. 488753

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

<b>TYKIESHA WARD and JARVIS</b>	)	
<b>STEWART, Each Individually and on</b>	)	
<b>Behalf of All Others Similarly</b>	)	
<b>Situated,</b>	)	
	)	
<b>Plaintiffs,</b>	)	<b>CIVIL ACTION NO.</b>
<b>v.</b>	)	
	)	<b>1:22-cv-03182-MHC</b>
<b>PIVOTAL RETAIL GROUP, LLC,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on April 4, 2024, I electronically filed this **JOINT MOTION TO EXTEND TIME TO MOVE FOR SETTLEMENT APPROVAL** with the Clerk of the Court using the CM/ECF system, which will automatically send an email notification of said filing to the following attorneys of record:

Colby Qualls  
Ark. Bar No. 2019246 (PHV)  
Forester Haynie, PLLC  
400 N Saint Paul, St, Suite 700  
Dallas, Texas 75231  
T: (214) 210-2100  
cqualls@foresterhaynie.com

Matthew W. Herrington, Esq.  
Delong, Caldwell, Bridgers, Fitzpatrick & Benjamin  
101 Marietta Street, Suite 2650

Atlanta, Georgia 30303  
T: (404) 979-3150  
Matthew.herrington@dcbflegal.com

This 4th day of April, 2024.

Respectfully submitted,

**FREEMAN, MATHIS & GARY,  
LLP**

*s/ Andrew J. Kim*

Andrew J. Kim

Georgia Bar No. 488753

*Counsel for Defendant*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**TYKIESHA WARD and JARVIS** )  
**STEWART, Each Individually and on** )  
**Behalf of All Others Similarly** )  
**Situated,** )

**Plaintiffs,** )

**v.** )

**PIVOTAL RETAIL GROUP, LLC,** )

**Defendant.** )  
\_\_\_\_\_ )

**CIVIL ACTION NO.**

**1:22-cv-03182-MHC**

**ORDER**

This matter is before the Court on the Parties' JOINT MOTION TO EXTEND TIME TO MOVE FOR SETTLEMENT APPROVAL. Upon consideration, and for good cause shown, the Parties' Motion is **GRANTED**. IT IS HEREBY ORDERED that the Parties shall have until and through April 30, 2024 to file the Motion for Settlement Approval and any related documents.

**SO ORDERED**, this \_\_\_\_ day of April, 2024.

\_\_\_\_\_  
MARK H. COHEN  
UNITED STATES DISTRICT JUDGE